

REMARKS

In response to the final Office Action dated October 30, 2008, the Assignee respectfully requests continued examination and reconsideration based on the above amendments and on the following remarks.

Claims 1-4, 6-22, 24-33, and 35-43 are pending in this application. Claims 5, 23, and 34 have been canceled without prejudice or disclaimer.

Rejection of Claims under § 112

Claims 1-4, 6-22, 24-33, and 35-43 were rejected under 35 U.S.C. § 112, second paragraph, for allegedly being indefinite. The Office, in particular, asserts that some claim features are contradictory and, thus, indefinite.

The Assignee, respectfully, disagrees. The test for indefiniteness is whether one of ordinary skill in the art would understand what is claimed when “read in light of the specification.” DEPARTMENT OF COMMERCE, MANUAL OF PATENT EXAMINING PROCEDURE, § 2173.02 (quoting *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 1 U.S.P.Q.2d 1081, 1088 (Fed. Cir. 1986)). The Assignee respectfully counters that one of ordinary skill in the art will readily understand the claims after reading the as-filed specification. Paragraph [0060] describes “a configurable list of computer applications that are restricted from the current user” and begins describing the interception of messages associated with restricted software applications. Paragraph [0063] then provides a fuller teaching of the concept of message interception. The Assignee thus respectfully asserts that the pending claims completely satisfy § 112, so the Assignee thus respectfully requests removal of this rejection.

Rejection of Claims over Heard, Balogh, and Kruglenko

Claims 1-2, 4-8, 11-13, 15-19, 22-24, 26-30, 33-35, and 37-41 were rejected under 35 U.S.C. § 103 (a) as being obvious over U.S. Patent Application Publication 2006/0242685 to Heard, *et al.* in view of U.S. Patent 7,047,258 to Balogh, *et al.* and further in view of U.S. Patent Application Publication 2003/0217287 to Kruglenko.

As noted above, however, claims 5, 23, and 34 have been canceled without prejudice or disclaimer, rendering this rejection moot with regards to claims 5, 23, and 34.

The pending claims, however, are not obvious over *Heard*, *Balogh*, and *Kruglenko*. These claims recite, or incorporate, many features that are not disclosed or suggested by the proposed combination of *Heard*, *Balogh*, and *Sweeney*. Independent claim 1, for example, recites “*intercepting the message before receipt thereof by the computer’s internal operating system to prohibit opening the window*” (emphasis added). Independent claim 1 also recites “*the control unit prohibits opening the window associated with the requested computer application to terminate the launch of the requested computer application, as the user is not authorized to access the requested computer application*” (emphasis added). Support for such features may be found at least in the as-filed application at paragraphs [0061] and [0063]. Independent claims 11, 22, and 33 recite similar features.

The proposed combination of *Heard*, *Balogh*, and *Kruglenko* does not obviate all these features. *Heard* discloses policy packages that are automatically “pushed” to mobile devices. See U.S. Patent Application Publication 2006/0242685 to Heard, *et al.* at paragraphs [0027] through [0031]. While *Heard* describes a “system interface” that intercepts system calls, *Heard*’s “system interface” intercepts external events with an external operating system. *Id.* at paragraph [0068]. *Balogh* discusses validation of local and remote databases. See U.S. Patent 7,047,258 to Balogh, *et al.* at column 2, lines 10-13. Both *Heard* and *Balogh* thus fail to teach or suggest the interception of messages “*to prohibit opening the window.*”

Kruglenko does not cure these deficiencies. The Office alleges that *Kruglenko* teaches some features of the independent claims, but the Office is mistaken. While *Kruglenko* discusses

a hook procedure, *Kruglenko*'s hook procedure intercepts keyboard messages, not “a message for opening a window,” as the independent claims all recite. Moreover, *Kruglenko*'s hides windows associated with unapproved applications — *Kruglenko* does not “prohibit opening the window,” as the independent claims also recite. So, when *Kruglenko* is properly interpreted, the proposed combination of *Heard*, *Balogh*, and *Kruglenko* does not teach what the Office alleges.

The Office, for example, cites to *Kruglenko*'s paragraphs [0057] and [0058]. These paragraphs are reproduced below:

[0057] FIG. 5b illustrates how, in accordance with the invention, a global keyboard hook 307 is installed in order to **intercept keystrokes**. For any keystroke, the system sends a message to the hook 307 where the message is analyzed. If the keystroke is in a list 35 of locked keystrokes, the hook stops the keystroke and prevents it from reaching any procedure. If, on the other hand, the keystroke is not listed as a disabled keystroke, the message is returned to the system unchanged and eventually passed on to its proper procedure.

[0058] According to the invention, the list of locked keystrokes 35 contains all system hotkeys that may result in starting an application, change focus from one application to another (making another window the active window), or give access to system features that are protected (e.g. Alt+Tab, Ctrl+Esc, Ctrl+Alt+Del etc). Furthermore, the administrator may add any additional key or key combination to the list (e.g. Ctrl+Alt+Grey Plus, or special keys that are particular to the keyboard). This eliminates a possibility to start (or switch to) an insecure program by using the keyboard.

See U.S. Patent Application Publication 2003/0217287 to *Kruglenko* at paragraphs [0057] and [0058] (emphasis added). While *Kruglenko* discusses a hook procedure, *Kruglenko* only provides a single example of this hook procedure to intercept keyboard messages, not “a message for opening a window.” See *Kruglenko*, at paragraph [0057]. The only reasonable conclusion, then, is that *Kruglenko* failed to contemplate the use of a hook mechanism to intercept messages for opening windows to restrict access to a computer application. Any other interpretation is unreasonable.

Kruglenko's paragraph [0077] even describes its procedure for unapproved applications. This paragraph is reproduced below:

[0077] After starting 500, the alert service 33 traces all events indicating that a new window is created or about to become active. The alert service 33 waits for any kind of notification or stop command 501. If a received message is not a stop command 502, and not a new window notification, 503, the service returns to waiting 501. If the message is a new window notification, the alert service 33 checks, using standard APIs, which process this window belongs to 504. If the process or a program associated with this program is approved as secure according to a list of approved processes and/or programs 37, no action is taken, and the service returns to waiting 501. If, however, the process cannot be approved in this manner, the alert service 33 **hides the window and/or suspends the process** 505. Information identifying the hidden window and/or suspended process is stored in a list 38. Preferably, the system issues an alert on screen and prompts the user for approval of the process. If the user enters an administrator password and approves the process 506, **the window is unhidden** and the suspended process is resumed 507. The process and/or its associated program is entered in the alert service's list of approved processes or programs 37, either for the remainder of this session or permanently, depending on the administrators input. The user may then interact with this process. Otherwise, if the administrator keeps the process suspended until the secure environment **shuts down or closes the program**, the alert service 33 returns to waiting for new commands or notifications 501.

See U.S. Patent Application Publication 2003/0217287 to *Kruglenko* at paragraph [0077] (emphasis added). Here *Kruglenko* describes a “new window notification” message for approved programs/processes. If the program/process is not approved, then the “**alert service hides the window and/or suspends the process.**” The user is prompted, and if the user approves, the “**window is unhidden and the process resumes.**” If the user does not approve, the program/process remains suspended **until shutdown or the program is closed**. Because *Kruglenko* “hides” and unhides a window, one must reasonably conclude that *Kruglenko* first opens the window before the window can be hidden and unhidden. The only reasonable conclusion, then, is that *Kruglenko* fails to teach or suggest “*intercepts a message for opening a window associated with a requested computer application, the message intercepted before receipt thereof by an operating system to prevent opening the window*” (emphasis added).

Kruglenko cannot “prevent opening the window” if the window is hidden and unhidden. Any other interpretation is unreasonable.

Claims 1-2, 4, 6-8, 11-13, 15-19, 22, 24, 26-30, 33, 35, and 37-41, then, cannot be obvious over *Heard*, *Balogh*, and *Kruglenko*. Independent claims 1, 11, 22, and 33 recite many features that are not disclosed or suggested by *Heard*, *Balogh*, and *Kruglenko*. The respective dependent claims incorporate these same features and recite additional features. One of ordinary skill in the art, then, would not think that the pending claims are obvious over *Heard*, *Balogh*, and *Kruglenko*. The Office is respectfully requested to remove the § 103 (a) rejection of these claims.

Rejection of Claims over *Heard*, *Balogh*, *Kruglenko* & *Dunn*

Claims 3, 9-10, 14, 20-21, 25, 31-32, 36, and 42-43 were rejected under 35 U.S.C. § 103 (a) as being obvious over *Heard*, *Balogh*, and *Kruglenko* and further in view of 7,076,558 to Dunn. These claims, however, cannot be obvious over the proposed combination of *Heard*, *Balogh*, *Kruglenko* and *Dunn*. These claims depend, respectively from independent claim 1, 11, 22, and 33. These claims, then, incorporate the same distinguishing features and recite additional features. As the above paragraphs already explained, *Heard*, *Balogh*, and *Kruglenko* all fail to teach or suggest all the features of independent claims 1, 11, 22, and 33, and *Dunn* does not cure these deficiencies. The Office alleges that *Dunn* teaches computer events, such as logging out and a connection to the Internet. The Office even cites to *Dunn* at column 37, lines 4-11, but the Assignee finds no such teaching. Regardless, the combined teaching of *Heard*, *Balogh*, *Kruglenko* and *Dunn* still fails to teach or suggest all the features of independent claim 1, 11, 22, and 33. Claims 3, 9-10, 14, 20-21, 25, 31-32, 36, and 42-43, then, are not obvious over *Heard*, *Balogh*, *Kruglenko* and *Dunn*, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

If any questions arise, the Office is requested to contact the undersigned at (919) 469-2629 or scott@scottzimmerman.com.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Scott P. Zimmerman", with a stylized flourish at the end.

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